

ARBITRATION

*Agreement and exchange of notes signed at Washington August 23, 1923, extending agreement of May 5, 1908; as extended
Senate advice and consent to ratification December 18, 1923
Ratified by the President of the United States February 11, 1924
Ratified by Japan February 20, 1924
Ratifications exchanged at Washington April 26, 1924
Entered into force April 26, 1924; operative from August 24, 1923
Proclaimed by the President of the United States April 26, 1924
Expired August 23, 1928*

43 Stat. 1757; Treaty Series 683

AGREEMENT

The Government of the United States of America and the Government of His Majesty the Emperor of Japan, desiring to extend for another five years the period during which the Arbitration Convention concluded between them on May 5, 1908,¹ and extended by the Agreement concluded between the two Governments on June 28, 1913,² and further extended by the Agreement concluded between the two Governments on August 23, 1918,³ shall remain in force, have respectively authorized the undersigned, to wit: Charles Evans Hughes, Secretary of State of the United States, and His Excellency Masanao Hanihara, His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington, to conclude the following Agreement:

ARTICLE I

The Convention of Arbitration of May 5, 1908, between the Government of the United States of America and the Government of His Majesty the Emperor of Japan, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications, which period, by the Agreement of June 28, 1913, between the two Governments was extended for five years from August 24, 1913, and was extended by the Agreement between them of August 23, 1918, for the further period of five years from August 24, 1918, is hereby extended and continued in force for the further period of five years from August 24, 1923.

¹ TS 509, *ante*, p. 406.

² TS 591, *ante*, p. 423.

³ TS 639, *ante*, p. 428.

ARTICLE II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by his Majesty the Emperor of Japan, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate in the English language at Washington this twenty-third day of August, one thousand nine hundred and twenty-three, corresponding to the twenty-third day of the eighth month of the twelfth year of Taisho.

CHARLES EVANS HUGHES [SEAL]

M. HANIHARA [SEAL]

EXCHANGE OF NOTES

The Secretary of State to the Japanese Ambassador

DEPARTMENT OF STATE
Washington, August 23, 1923

EXCELLENCY:

In connection with the signing today of an agreement for the renewal of the Convention of Arbitration concluded between the United States and the Government of His Majesty the Emperor of Japan, May 5, 1908, and renewed from time to time, I have the honor, in pursuance of our informal conversations, to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

On February 24 last the President proposed to the Senate that it consent under certain stated conditions to the adhesion by the United States to the Protocol of December 16, 1920,⁴ under which the Permanent Court of International Justice has been created at The Hague. As the Senate does not convene in its regular session until December next, action upon this proposal will necessarily be delayed. In the event that the Senate gives its assent to the proposal, I understand that the Government of His Majesty the Emperor of Japan will not be averse to considering a modification of the Convention of Arbitration which we are renewing, or the making of a separate agreement, providing for the reference of disputes mentioned in the Convention to the Permanent Court of International Justice.

Accept, Excellency, the renewed assurances of my highest consideration.

CHARLES E. HUGHES

His Excellency

Mr. MASANAO HANIHARA,
Japanese Ambassador.

⁴ 6 LNTS 380.

The Japanese Ambassador to the Secretary of State

JAPANESE EMBASSY
Washington, August 23, 1923

SIR:

I have the honor to acknowledge the receipt of your note of to-day's date, communicating to me your understanding reached in our informal conversations in connection with the renewal of the Convention of Arbitration concluded between Japan and the United States, May 5, 1908, and extended in its operation until August 24 of this year.

I am happy to be able to confirm to you, under instructions from my Government, your understanding as set forth in the following terms:

[For terms of understanding, see second paragraph of U.S. note, above.]

Accept, Sir, the renewed assurances of my highest consideration.

M. HANIHARA

Honorable CHARLES E. HUGHES,
Secretary of State.